

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as proposed to be amended, pursuant to and consistent with 37 C.F.R. §1.116, are respectfully requested in light of the remarks which follow.

The Examiner is requested to acknowledge the claim for domestic priority under 35 U.S.C. §119(e) to applicants' provisional application.

Claims 4-28, 30, 35 and 68-70 are in this application. Of these, Claims 4, 8, 11, 30, 35 and 68 are proposed to be amended by the present amendment.

Claims 4-28, 30 and 68-70 have been rejected under 35 U.S.C. §112, second paragraph, as indefinite. For at least the reasons set forth below, the claims as proposed to be amended are believed to be free of these rejections.

Claim 68 has been deemed confusing as it is considered by the Examiner to have two possible interpretations. However, when read in light of the specification, this claim as previously worded is only susceptible to one interpretation, namely option 1, the interpretation the Examiner has placed on the claim. However, to make the claim abundantly clear, applicants propose to amend Claim 68 as set forth above. In relevant part, the claim now reads "...a core of S-adenosylmethionine salt selected from the group consisting of a S-adenosylmethionine monosulphate tosylate salt and a S-adenosylmethionine disulphate tosylate salt, said salt being coated...." This is believed to obviate this portion of the §112 rejection. However, it is submitted that the intended meaning of the claims was clear from the specification and that this amendment does not change the scope of the claim.

Claims 68, 8, 30 and 35 have been rejected as indefinite for setting forth an acronym, SAMe, for S-adenosylmethionine. The meaning of this acronym was defined in the specification, thus its meaning was already clear. Nevertheless, this amendment seeks to replace "SAMe" with --S-adenosylmethionine-- at each location in the claims. No change in scope is involved.

Claim 11 has been amended to delete "NDGA", thus obviating the §112 rejection as to that term.

Claim 14 has been rejected as indefinite because it specifies preservatives as optional ingredients. However, this is not redundant in light of Claim 68, because the optional preservatives specified in Claim 14 are in the soft gelatin film, whereas the preservatives specified in Claim 68 are in the fill material. Clearly, there can be preservatives in both portions of the capsule. Applicants have reworded Claim 68 to make it clear that the preservatives specified in that claim are present in the fill material.

Claims 14 and 27 have been rejected as indefinite because of the lack of antecedent basis in Claim 68 for the "soft gelatin film" referred to in these claims. Claim 68 has been amended to contain the proper antecedent basis; specifically, the clause ", said fill material being disposed within a soft gelatin film" has been added. This language is consistent with Claim 35, drawn to the process, and to the original specification.

Since the base claims deemed indefinite are definite as amended, claims which depend therefrom likewise are definite. Accordingly, it is believed that this amendment places all of the claims in allowable form.

The Examiner's indication of allowable subject matter is noted, with appreciation.

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In light of the foregoing, it is submitted that further, favorable action in the form of a Notice of Allowance is next in order and such action is earnestly solicited.

Respectfully submitted,

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